

REMARKS

The Applicants would like the Examiner for the review given the present application. It is noted that acknowledgment has been made of the Applicants' claim for foreign priority under 35 U.S.C. § 119 (a)-(d) and that the certified copy has been filed in the parent Application No. PCT/FR/03/00755, filed on March 10, 2003.

The Office Action dated May 23, 2008 has been carefully reviewed with the Examiner's comments and the cited prior art references in mind. Accordingly, claims 1, 4, 9-11, 13, 15, 17-18, 27, and 28 have been amended. Favorable reconsideration in view of the amendments and remarks contained herein is hereby respectfully requested.

The provisional double patenting rejection is noted. The Applicants do not agree with the Office's assessment, because the claims of the present application are directed to a device for controlling locking/unlocking of the lid. The claims of the other application are directed to a removable module and are not believed to be, in any sense, merely obvious variations with respect to the present claims. The matter can be reconsidered when and if the issue becomes ripe.

Claims 4, 9-11, 13, 15-18, 20-21, 23, 27, and 28 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite based on the lack of antecedent basis for certain of the recitations in the claims. These claims have been reviewed and amended where necessary. In addition, all of the other claims have been carefully reviewed and appropriate corrections are made herein in response to this rejection. It is believed that with these amendments, all of the claims are now in proper form and are also in condition for allowance.

Claims 1, 3-6, 8-14, 18, 19, and 23-25 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Makhijani (U.S. Patent No. 4,467,936), the Office taking the position that Makhijani discloses an appliance for cooking food under pressure (Title), the appliance comprising at least: a vessel (sterilizer 16) and a lid (closure 10) for being fitted to and locked

on the vessel (sterilizer 16) in order to form a leaktight cooking enclosure; at least one jaw (ends 30) mounted to move in translation by corresponding drive means (radial arms 26) between a position in which the lid (closure 10) is locked relative to the vessel (sterilizer 16), and an unlocking position (see Figures 1, 2); and a control device (38, 42, 24) for controlling the movement of the at least one jaw (ends 30), the control device comprising: an intermediate part (operating member 52) comprising at least one maneuvering means (grooves in operating member 42 in Figure 9) and clutch means (pins 58/holes 63/surfaces 80, 90 of operating member 42 combination), and mounted to turn freely relative to the drive means (radial arms 26) so that the maneuvering means (operating member 42) co-operates with the drive means (radial arms 26) so as to control the displacement thereof (see Figures 1-9); and a main control member (handwheel 24/driving member 38 combination) comprising transmission means (grooves in driving member 38 in Figure 9), the main control member (handwheel 24/driving member 38 combination) being positioned relative to the intermediate part (operating member 2) so that the transmission means (grooves in driving member 38 in Figure 9) cooperates with the clutch means (pins 58/holes 63/surfaces 80, 90 of operating member 42 combination) so as to control turning of the intermediate part (operating member 42) when the main control member (handwheel 24/driving member 38 combination) is mounted to move in translation relative to the lid (closure 10).

It is believed and submitted that the analysis of the teachings of Makhijani are technically not correct and that claim 1 is patentable over this reference. In particular, it should be noted that Makhijani does not disclose an appliance for cooking food but instead discloses a sterilizer. This means that Makhijani's appliance does not form a leaktight "cooking" enclosure. This alone brings the Makhijani reference into question as it is from a different field of endeavor, and, without more, it is completely unsuitable for cooking food.

Further telling is the last statement in discussing the Makhijani reference opining that the

appliance being characterized in that wherein the main control member (handwheel 24/driving member 38 combination) is mounted to move in translation relative to the lid (closure 10). Actually, handwheel 24 is mounted to move in rotation only relative to the lid 10 (round door post 34). Handwheel 24 cannot move in translation since it is blocked by the door cover 105. Driving member 38 is secured to handwheel 24 (Col. 5, lines 4-6). Therefore, Makhijani teaches explicitly that the main control member 24/38 cannot move in translation but can only rotate. In contrast, the claimed main control member of the present application is mounted to move in translation relative to the lid.

The Office Action goes into some detail with regard to claims 6, 8-14, 18, 19, and 23-25. While the Applicants disagree with the analysis put forth by the Office in rejecting the dependent claims, they are all dependent, some directly and some in combination, on independent claim 1. As independent claim 1 is now believed to be in condition for allowance, it is submitted that these dependent claims are also in condition for allowance.

Claims 1, 3, 4, 8-20, and 23-27 have been rejected under 35 U.S.C. § 102(a) and (e) as being anticipated by Chen (U.S. Patent No. 6,257,124), the Office Action stating that Chen discloses an appliance for cooking food under pressure (Title), the appliance comprising at least: a vessel (container 10) and a lid (cover 20) for being fitted to and locked on the vessel (container 10) in order to form a leaktight cooking enclosure; at least one jaw (313) mounted to move in translation by corresponding drive means (driving arms 31) between a position in which the lid (cover 20) is locked relative to the vessel (container 10), and an unlocking position (see Figures 3, 4); and a control device (32, 36, 33) for controlling the movement of the at least one jaw (313), the control device comprising: an intermediate part (rotary plate 33) comprising at least one maneuvering means (arcuate slots 331) and clutch means (assembly pins 330), and mounted to turn freely relative to the drive means (driving arms 31) so that the maneuvering means (arcuate slot 331) co-operates with the drive means (driving arms 31) so

as to control the displacement thereof (see Figures 2-6); and a main control member (fixed frame 36) comprising transmission means (arc slots 361), the main control member (fixed frame 36) being positioned relative to the intermediate part (rotary plate 33) so that the transmission means (arc slots 361) cooperates with the clutch means (assembly pins 330) so as to control turning of the intermediate part (rotary plate 33) when the main control member (fixed frame 36) is actuated (see Figures 2-6); the appliance being characterized in that wherein the main control member (fixed frame 36) is mounted to move in translation relative to the lid (cover 10).

The Applicants disagree with the analysis of the Chen appliance for the following reasons. The Office Action opines that the frame 36 of Chen corresponds to the main control member in the present application. However, frame 36 is "fixed" that is to say it cannot move. Therefore, frame 36 cannot "control turning of the intermediate part" as claimed. Actually, turning of the intermediate part (rotary plate 33) is controlled by the knob 32, via the assembly pins 330 which cooperate with the assembly holes 321 in knob 32. Thus, it is clear that the main control member of Chen's appliance is the knob 32. Moreover, fixed frame 32 cannot be "actuated" as claimed since said frame 36 is interposed between the cover 20 and the outer hood 23. Thus, it is believed evident that frame 36 is not the same as the claimed main control member. The only function devoted to frame 36 is to guide the movement of the driving arms 31. Furthermore, Applicants disagree with the statement in the Office Action that frame 36 is mounted to move in translation relative to the lid 10. Actually, frame 36 is "fixed" (as explicitly stated in Col. 3, line 11), thus being unable to move, even in translation. In addition, frame 36 is clearly not designed to move since its main function is to guide the driving arms 31 which obviously necessitates that frame 36 be stationary and fixed in position.

Finally, claim 1 is believed to be patentable over the cited prior art because the prior art does not teach, in the pressure cooker field, a main control member mounted to move in translation relative to the lid and an intermediate part mounted to turn relative to the lid.

The Office Action then goes into some detail in discussing the dependent claims; however, claims 3, 4, 8-20, and 23-27 are dependent either directly or indirectly on independent claim 1 which is believed to be in condition for allowance. Thus, the dependent claims are also allowable.

In introducing a rejection under 35 U.S.C. § 103, the Office Action makes a presumption that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made and this is indeed the case.

Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Makhijani (U.S. Patent No. 4,467,936) in view of Singh et al (U.S. Patent No. 4,307,818), the Office Action stating that Makhijani discloses all of the limitations of the claimed invention, as previously set forth, except for the main control member being mounted to move in a direction that is substantially radial and that Singh supplies this teaching.

In view of the fact that claim 2 is dependent on the allowable claim 1, it is believed that this rejection is moot and should be withdrawn.

Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Makhijani (U.S. Patent No. 4,467,936) in view of Potter et al (U.S. Patent No. 5,643,485), the Office Action stating that Makhijani discloses all of the limitations of the claimed invention, as previously set forth, except for the main control member and extending in the translation direction thereof, and, together with a gear wheel mounted stationary relative to the lid and meshing perpendicular with the pinion, the gear wheel having a central tapped hole cooperating with the worm screw so that movement in translation thereof causes the gear wheel to move in rotation, and that such teaching is supplied by Potter et al. The Applicants disagree with the

characterization of Makhijani but note that claim 7 is ultimately dependent on now allowable claim 1 and is therefore in condition for allowance. Thus, this rejection is believed to be moot and can be withdrawn.

Claims 21 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen (U.S. Patent No. 6,257,124) in view of Chameroy et al (U.S. Patent No. 5,613,424), the Office Action states that Chen further discloses the control device (32, 36, 33) for controlling movement of the at least one jaw (313) including reversible blocking means (spring hole 333) for locking the drive means (driving arms 31) in the unlocking position (Col. 4, lines 3-6). The Office Action continues with the opinion that Chen discloses all of the limitations of the claimed invention, as previously set forth, except for a secondary control member including release means for causing the reversible blocking means to be released, but that Chameroy et al. supplies the missing teaching.

This rejection is also believed to be in error and should be withdrawn, the Applicants disagreeing with the position of the Office that the Chen reference teaches most of claim 1, from which claims 21 and 22 ultimately depend. In view of the fact that claim 1 is condition for allowance, it is submitted that claims 21 and 22 are also in condition for allowance by virtue of this dependency. This rejection is believed to be moot and can now be withdrawn.

Claims 28 and 29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen (U.S. Patent No. 6,257,124) in view of Chan et al (U.S. Patent No. 6,019,029), the Office Action stating that Chen further discloses the lid (cover 20) presents comprises an inside face (inner surface of body 21) facing toward the cooking enclosure and an opposite outside face (outer surface of body 21), a vertical assembly pin (rod inside of knob 32) about which the control wheel-forming place (rotary plate 33) having the oblong maneuvering slots (arcuate slots/rotary drivers 331), and an opening pusher (knob 32). The Office Action continues that Chen discloses all the limitations of the claimed invention except for outside face having

mounted thereon a mechanism plate, and respective corresponding rectilinear oblong slots to the oblong maneuvering slots formed radially in the mechanism plate to define two engagement openings for each of the guide studs; and the mechanism plate being fitted and releasably secured to the cover 20, but that Chan et al supplies the missing teachings.

This rejection is also believed to be in error in that Chen does not disclose all of the limitations of now allowable claim 1. Since claims 28 and 29 ultimately depend from claim 1, they are also in condition for allowance. This rejection is moot and can now be withdrawn.

The prior art made of record and not relied upon but is considered pertinent to Applicants' disclosure, specifically European Publication No. EP 102 9483 A1 to Morando for a teaching of a cover for a pressure pot.

This reference has been carefully reviewed but it is believed that it does not either teach or make obvious the presently claimed device.

CONCLUSION

With the amendments presented herein, it is believed that all the claims remaining in the Application are in condition for allowance. Early and favorable action in this regarding is hereby respectfully requested. Should there be any minor informalities remaining, the Examiner is respectfully requested to call the undersigned attorney so that this case may be passed to issue at an early date.

Respectfully submitted,


James W. Kayden; Reg. No.: 31,532

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1500
600 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500